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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,897	01/28/2002	Jervant Ulf	100508-09002	3031
75	90 10/07/200	3	EXAM	INER
Mitchell D. Bi	ittman	JIMENEZ, MARC QUEMUEL		
Patent Departm	ent			
Sequa Corporat		ART UNIT	PAPER NUMBER	
3 University Pla	aza	3726	10)	
Hackensack, NJ 07601			DATE MAILED: 10/07/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

		/Y_K				
	Application No.	Applicant(s)				
	10/055,897	ULF ET AL.				
Office Action Summary	Examin r	Art Unit				
	Marc Jimenez	3726				
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	36(a). In no event, however, may a reply be t y within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDON	imely filed  ays will be considered timely.  m the mailing date of this communication.  ED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on 223	September 2003 .					
2a)⊠ This action is <b>FINAL</b> . 2b)☐ Th	is action is non-final.					
3) Since this application is in condition for allows closed in accordance with the practice under <b>Disposition of Claims</b>						
4)⊠ Claim(s) <u>14-31</u> is/are pending in the application	on.					
4a) Of the above claim(s) is/are withdra						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>14-31</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/o	r election requirement.					
Application Papers		· .				
9)⊠ The specification is objected to by the Examine						
10)⊠ The drawing(s) filed on <u>28 January 2002</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120	iihdon 25 H.C.C. \$ 110/	(a) (d) as (f)				
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:	a haya baan ragaiyad					
1. Certified copies of the priority documents have been received.						
<ul> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage</li> </ul>						
application from the International Bu  * See the attached detailed Office action for a list	reau (PCT Rule 17.2(a)).					
14) Acknowledgment is made of a claim for domesti	ic priority under 35 U.S.C. § 119	(e) (to a provisional application).				
<ul> <li>a) ☐ The translation of the foreign language pro</li> <li>15)☒ Acknowledgment is made of a claim for domest</li> </ul>	, .					
Attachment(s)						
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449) Paper No(s)</li> </ol>	5) Notice of Informa	ry (PTO-413) Paper No(s) I Patent Application (PTO-152)				

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#### **DETAILED ACTION**

## **Specification**

- 1. The disclosure is objected to because of the following informalities:
- -- now abandoned -- should be inserted after "February 15, 2000" in the first line of the specification.

Appropriate correction is required.

# Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 14, 15, 17, 18, 20-23, 25, 27, 28, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Henshaw et al. (3,623,203).

Henshaw et al. teach a method of producing a bending-resistant, elongated body comprising: providing an elongated blank 11 having at least one cavity 16 extending essentially along the entire length of the blank 11, the at least one cavity 16 having a longitudinal axis, the at least one cavity 16 being enclosed in the blank 11 but for first and second spaced openings at opposite ends of the longitudinal axis, the inner surface 16 of which cavity is at a distance from the mass center (the mass center is in the vicinity of numeral 15 in fig. 1) of the

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blank 11 seen in a section at right angles to its longitudinal axis and is arranged concentrically around the mass center, the blank 11 being formed form a metallic material (col. 1, line 33), inserting a fiber composite body 15 formed from a plurality of fibers in a non-metallic binder 13 into at least one of the first and second openings of the at least one cavity 16, and affixing in the cavity 16 the fiber composite body 15 with an outer surface essentially congruent with the inner surface of the cavity 16, wherein a majority of fibers in the fiber composite body both extend essentially parallel to the longitudinal axis of the elongated blank 11 and are elongated along the whole of its length.

Regarding claims 15 and 22, affixing comprises gluing the fiber composite in the cavity (col. 4, lines 6-39).

Regarding claims 17, 23, and 28 note that epoxy is used for gluing (col. 4, line 22).

Regarding claims 18 and 21, carbon fiber in an epoxide matrix is used as the fiber composite body (col. 3, lines 74-75, graphite filaments is carbon fiber).

Regarding claim 24, the patentability of product does not depend on its method of production. *In re Thorpe*, 777 F.2d 695, 697, 227 USPQ 964, 966 (Fed. Cir. 1985) (citing In re Pilkington, 411 F.2d 1345, 1348, 162 USPQ 145, 147 (CCPA 1969)). If a product in a product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product is made by a different process. Id. citing *In re Marosi*, 710 F.2d 799, 803, 218 USPQ 289, 292-93 (Fed. Cir. 1983); *Johnson & Johnson v. W.L. Gore*, 436 F. Supp. 704, 726, 195 USPQ 487, 506 (D. Del. 1977); see also *In re Fessmann*, 489 F.2d 742, 744, 180 USPQ 324, 326 (CCPA 1974).

Regarding claim 25, the beam is extruded (col. 1, line 43).

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Regarding claim 31, note that in fig. 1, the bending resistant body is shaped like a spindle (cylindrical in shape like the body shown in fig. 1 of applicant's drawing). Regarding the recitation that the spindle is used for carrying paper reels, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

## Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henshaw et al.

  Claim 24 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over

  Henshaw et al.

Henshaw et al. teach the invention cited with the exception of shrinking the cavity to the fiber composite body. Claim 24 is written in product-by-process form. As noted above, the patentability of product does not depend on its method of production. However, if applicant shows convincing evidence that the limitations in claim 24 add <u>additional structure</u> to the claimed invention note the following (also applicable to claim 16):

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At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have provided the invention of Henshaw et al, with shrinking the cavity because applicant has not disclosed that shrinking provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the gluing taught by Henshaw et al. (or claimed in applicant's claim 15) or the claimed shrinking because both affixing methods perform the same function of securing the composite body in the cavity equally well. Therefore, it would have been an obvious matter of design choice to modify Henshaw et al. to obtain the invention as specified in claims 16 and 24.

6. Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henshaw et al. in view of Tazaki et al. (4,169,186).

Henshaw et al. teach the invention cited with the exception of having a number of longitudinal cavities distributed with an equal pitch symmetrically around its mass center seen in a section at right angles to its longitudinal axis.

Tazaki et al. teach a number of longitudinal cavities (in vicinity of lead line 2) distributed with an equal pitch symmetrically around its mass center seen in a section at right angles to its longitudinal axis.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Tazaki et al. with a number of longitudinal cavities distributed with an equal pitch symmetrically around its mass center seen in a section at right angles to its

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longitudinal axis, in light of the teachings of Tazaki et al., in order to provide additional reinforcement.

7. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henshaw et al. in view of Mahoney et al. (5,207,848).

Henshaw et al. teach the invention cited except that Henshaw et al. teach a solidly formed tubular fiber composite body 15 (see fig. 2) instead of the claimed tubular composite body having a central bore devoid of fibers.

Mahoney et al. teach a fiber composite body 16 that is tubular and has a central bore devoid of fibers.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Henshaw et al. with a tubular composite body that has a central bore devoid of fibers, in light of the teachings of Mahoney et al., in order to reduce the weight of entire the roll.

## Response to Arguments

- 8. Applicant's arguments filed 9/22/03 have been fully considered but they are not persuasive.
- 9. Applicant argues that Figure 1 of Henshaw et al. does not illustrate the entire blank 11 because only a portion of the blank 11 is depicted so that the details of the cavity can be viewed.

  And that Figure 1 merely shows the cavity itself and does not disclose a cavity having an inner

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surface that is a distance from the mass center of the blank and is arranged concentrically around the mass center of the blank.

10. However, the blank 11 is a metal sleeve (col. 3, line 7). The ordinary definition of "sleeve" is a tubular part or an open-ended flat or tubular packaging or cover. See attached definition from Merriam-Webster's Collegiate Dictionary, Tenth Edition. Therefore, Henshaw et al. clearly teach a blank 11 that has an inner surface that is a distance from the mass center of the blank and is arranged concentrically around the mass center of the blank. See also fig. 7 which shows an integrated metal-composite cylinder showing a low modulus coating at the interface of the metal and composite (see also col. 3, lines 3-5). Furthermore, "longerons" described in col. 1, line 37 are tubular members.

#### Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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### Interviews After Final

12. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

#### **Contact Information**

13. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is 703-306-5965. The examiner can normally be reached on Monday-Friday, between 5:30 am- 2:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication

(703) 308-6789 or (888) 786-0101

Assignment Branch Certificates of Correction (703) 308-9723

Drawing Corrections/Draftsman (703) 305-8404/8335

(703) 305-8309

Petitions/Special Programs

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Terminal Disclaimers

(703) 305-8408

PCT Help Desk

(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line

1-800-786-9199

Internet PTO-Home Page

http:www.uspto.gov/

October 3, 2003

TECHNOLOGY CENTER 3700

1 a: a blow with the open hand b: a quick this bise like that of a slap 3: REBUFF. INSULT—slap on the usu. ineffectual reprimand

b. fr. LG slapp, fr. slapp, n.] (1672): DIRECTLY, SMACK

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ne in which each player tries to be the lirst to shap that appears faccup 942): a shot in ice hockey made with a swinging stap-stikk n (1896) 1: a device made of two flat per d at one end so as to make a loud noise when used e a person 2: comedy stressing farce and horseplayer and stap stap stick — slapstick adj p-pp (adj (ca. 1823) chielly Brit: FIRST-RATE BANGLY to be forigin unknown] vi (1548): to lash out with or as if with an edged blade ~ vi 1: to cut still shap to the stress of th

burn adj (1939): characterized or developed by telims to clear land esp. for temporary agriculture of sta-ship, adj (1593) 1: incisively sating or cape ELTING 3: VIVID RILLILANT — slash-ing-ly value the act or process of slashing 2: many control of the sact or burn adj (1939): characterized or developed by feller (1596) 1: the act or process of slashing 2: an attracting color revealed by a slash (as in a garden)

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add(1713): SLATTERBULY

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t: the act of killing: specif: the butchering;

2: killing of great numbers of human beings

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ament, who seeks in the silk thread) into filaments (1588) obs: floss silk that is easily separated into fila-

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(1834): to strike with or as if with a sledgehammer (1834): to strike with or as if with a sledgehammer (1843): marked by heavy-handed directness or (1843): warfare—C. J. Rolo)

sleek \slēk\vb [ME sleken, alter. of sliken — more at slick] w (15c)

1: SLICK (grooms ~ing cooled horses —Sunser) 2: to cover up

sleek adj [alter. of slick] (1589) 1 a: smooth and glossy as if polished (~ dark hair) b: having a smooth well-groomed look (~ cattle) c: healthy-looking 2: smooth in speech or manner; also: Unc

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1: TOUS 3 a: having a prosperous air (a ~ apartment building with a

pool on the roof) b: having trim graceful lines (a ~ car) c: ELE

GANT. STYLISH (~ restaurants) — sleek-ly ady — sleek-ness n

syn sleek. Sleek suggests a smoothness or brightness resulting from

attentive grooming or physical conditioning (a sleek racehorse). Slick

suggests extreme smoothness that results in a slippery surface (slipped

and fell on the slick floor). Glossy suggests a highly reflective surface

(photographs having a glossy finish).

sleek-en \sleek. Sleek | sloor). GLOSSY suggests a highly reflective surface

(photographs having as glossy finish).

sleek-en \sleek. Sleek | sloor). GCAPTY. DECETIFUL

sleep \sleek | sleek | s

(a maid) aleep in v (1827) 1: to sleep where one is employed 2 a: OVER. SLEEP b: to sleep late intentionally sleeping bag n (1850): a bag that is warmly lined or padded for sleeping out the state of the sleeping bag n (1850) in a camp or tent

steeping to ag n (1859): a tag that is warmly lined of panded for steeping outdoors or in a camp or tent. Sleeping Beauty n: a princess of a fairy tale who is wakened from an enchanted sleep by the kiss of a prince sleeping car n (1839): a railroad passenger car having berths for elements.

chanted sleep by the kiss of a prince sleeping car n (1839): a railroad passenger car having berths for sleeping car n (1839): a railroad passenger car having berths for sleeping partner n (ca. 1785) chiefly Brit: SILENT PARTNER sleeping pill n (1664): a drug and esp. a barbiturate that is taken as a tablet or capsule to induce sleep — called also sleeping tablet sleeping porch n (1915): a porch or room having open sides or many windows arranged to permit sleeping in the open air sleeping slekness n (1875) 1: a serious disease that is prevalent in much of tropical Africa, is marked by fever, protracted lethargy, tremors, and loss of weight; is caused by either of two trypanosomes (Trypanosoma brucei gambiense and T. b. rhodesiense), and is transmitted by testes flies 2: any of various viral encephalitides or encephalomyelitides of which lethargy or somnolence is a prominent feature sleep-less vlalep-less vdi (15c) 1: not able to sleep (lay ~ with fever) 2: affording no sleep (~ nights) 3: unceasingly active or operative (~ casinos) — sleep-less-ly ady — sleep-less-ness n sleep-over vslep-ö-yar/n (1965) 1: an overnight stay (as at another's home) 2: an instance of hosting a sleepover in one's home. Sleep-walk-er vslep-wok-kar'n (1747): one that walks while or as if while asleep: SOMNAMBULST — sleep-walk \-wok\ wior n sleep-walk-er \slephad dj sleep-leer; est (13c) 1 a: ready to fall asleep b: of, relating to, or characteristic of sleep 2: sluggish as if from sleep: LETHARGIC also: having little activity (a ~ coastal village) 3 sleep-inducing — sleep-l-ly \-po-le\ adv — sleep-iness \-pe-nos\ n sleep-leer inducing — sleep-l-ly \-po-le\ adv — sleep-iness \-pe-nos\ n sleep-y-head \slephad \slephad



\3\ abut \3\ kitten, F table \3r\ further \a\ ash \ā\ ace \ā\ mop. mar \au\ out \ch\ etin \e\ bet \e\ easy \g\ go \i\ hit \i\ ice \i\ job \int \sing \o\ go \o\ \aw \oi\ boy \th\ thin \th\ the \ii\ loot \ui\ foot \y\ yet \zh\ vision \ak \si', ce, ce, ue, ue, \if \chi, \see Ginde to Pronunciation